

Docket No. IA 1502.01A US
USSN: 09/296,202

PATENT
Art Unit: 3621

REMARKS

Claims 1-19 are pending in the present application.

This Amendment is in response to the Office Action mailed May 25, 2004. In the Office Action, the Examiner rejected claims 1-19 under 35 U.S.C. § 102.

Reconsideration in light of the remarks made herein is respectfully requested.

I. AMENDMENT FILED ON FEBRUARY 10, 2004

In the Office Action, the Examiner stated in Item 1 "This communication is in response to the amendment filed 21 February 2004. Claims 1, 7, and 12 have been amended. Claims 1-19 remain pending in this Action." Applicant would like to point out to the Examiner that an Amendment had been filed in the month of February; however, it was filed on February 10, 2004 and not February 21, 2004.

II. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-19 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,938,730 issued to Tobita ("Tobita"). Applicant respectfully traverses the rejections for the following reasons.

After reviewing the Claim Rejections section of the Office Action, Applicant believes that the Examiner does not have the amended claims set as filed on February 10, 2004 since there was no mention of the claimed element "tracking the electronic storage medium while being shipped between various entities using the tracking identifier" in this Office Action. This claimed element distinguished the claimed invention and the cited prior art references as argued by the Applicant in the Response filed February 10, 2004. Moreover, the wordings of the independent

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The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

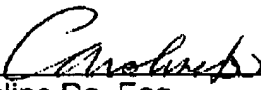
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AUG 24 2004

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: August 24, 2004



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